

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

UNITED STATES OF AMERICA	*	CRIM. NO. 09CR-0004-01
VERSUS	*	JUDGE DOHERTY
WAYNE KEVIN JONES, JR.	*	MAGISTRATE JUDGE HILL

**MEMORANDUM RULING CONTINUING SCHEDULING CONFERENCE
UNDER THE SPEEDY TRIAL ACT**

The undersigned held a scheduling conference with counsel for the parties on March 10, 2009. Present were Stephanie Finley, AUSA, and a Gerald Block, counsel for the defendant. Because of the inability of the Government to timely comply with its discovery obligations, the Court has previously granted an extension of time to the defendant to file pretrial motions. [Record Doc. 20]. Counsel informed the court that the government had provided the requested discovery on a DVD, which had not yet been completely reviewed by the defendant. Accordingly, counsel for the defendant was unable to inform the court whether or not pretrial motions would be filed, and, if so, when any such motions would be filed.

The court informed both counsel that the court was prepared to set the trial in this case for April 13, 2009. Counsel for the defendant informed the court that he had a conflict, in a case entitled, *United States v. Givens*, docket No. 07-20052, to be tried before Judge Haik on April 6, which would prevent him undertaking sufficient trial

preparation in this case. Accordingly, counsel for the defendant informed the court that it would be necessary for him to file a motion for a continuance if trial were set on that date.

Based on the above, the Court finds that the ends of justice served by the granting of this continuance outweighs the best interests of the public and the defendant in a speedy trial. Specifically, the Court finds that the failure to grant this continuance would make it unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by the Speedy Trial Act. 18 U.S.C. 3161(h)(8)(A) and (B)(ii).

Additionally, the court finds that the ends of justice served by the granting of this continuance outweighs the best interest of the public and the defendant in a speedy trial because the failure to grant a continuance would unreasonably deny the defendant his right to continuity of counsel. 18 U.S.C. 3161(h)(8)(A) and (B)(iv).

The court has set, by separate minute entry, the date and time the scheduling conference in this matter. Trial will be set at that time.

March 10, 2009, Lafayette, Louisiana.


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE